

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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NANCY BROOKS AND JOAN SILVERMAN,	:	
	:	
Plaintiffs,	:	Civil Action
	:	No. 05-10994-WGY
v.	:	
	:	
AIG SUNAMERICA LIFE ASSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	
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**JOINT STATEMENT AND SCHEDULING
ORDER PURSUANT TO LOCAL RULE 16.1**

In accordance with the provisions of Fed. R. Civ. P. 26(f), Local Rule 16.1(D), and the Court's October 14, 2005 Notice of Scheduling Conference, counsel for Plaintiffs and Defendant have conferred concerning a proposed pretrial schedule that includes a plan for discovery and a proposed schedule for the filing of motions.

I. JOINT DISCOVERY PLAN

A. FACT DISCOVERY

1. The parties shall serve their respective Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2 Statements on or before December 5, 2005. Fact discovery shall commence immediately thereafter.
2. Fact discovery shall be completed by August 3, 2006.

B. CLASS CERTIFICATION BRIEFING

1. Plaintiffs shall file their motion for class certification on or before December 14, 2005.
2. Discovery as to class certification issues only shall be completed no later than ninety (90) days following the filing of Plaintiffs' motion for class certification.
3. Defendant shall file its opposition to Plaintiffs' motion for class certification no later than thirty (30) days following the completion of discovery as to class certification issues only.
4. Plaintiffs' reply papers, if any, shall be filed no later than twenty (20) days following the filing of Defendant's opposition to plaintiffs' motion for class certification.

Oral argument to be scheduled at the Court's convenience.

C. EXPERT DISCOVERY

1. Plaintiffs shall identify their trial experts pursuant to Fed. R. Civ. P. 26(a)(2)(A) and produce expert reports pursuant to Fed. R. Civ. P. 26(b)(4)(A) no later than forty-five (45) days after the completion of fact discovery (i.e., by September 18, 2006).
2. Defendant shall identify its trial experts pursuant to Fed. R. Civ. P. 26(a)(2)(A) and produce expert reports pursuant to Fed. R. Civ. P. 26(b)(4)(A) no later than forty-five (45) days after Plaintiffs identify their trial experts and produce expert reports (i.e., by November 2, 2006).
3. Plaintiffs may supplement their expert disclosures to provide rebuttal expert testimony no later than thirty (30) days after Defendant identifies its trial experts and produces expert reports (i.e., by December 4, 2006).
4. Defendant may supplement its expert disclosures to provide rebuttal expert testimony no later than thirty (30) days after Plaintiffs supplement their expert disclosures (i.e., by January 3, 2007).
5. The parties shall complete expert discovery depositions within thirty (30) days of providing all reports required pursuant to Fed. R. Civ. P. 26(a)(2)(B) and (C).

D. DISPOSITIVE POST-DISCOVERY MOTIONS

Dispositive motions shall be filed within forty-five (45) days of the completion of expert discovery.

II. TRIAL BY MAGISTRATE

At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

III. ALTERNATIVE DISPUTE RESOLUTION

At this time, the parties are not prepared to consent to alternative dispute resolution.

IV. PRE-TRIAL CONFERENCE

A pretrial conference shall be held at the Court's discretion.

V. MODIFICATION OF THE SCHEDULE

All dates set forth herein may be modified subject to written agreement of the parties and approval by the Court, upon motion to the Court for good cause shown or upon the Court's own initiative.

VI. CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

The parties will file the certifications required by Local Rule 16.1(D)(3) prior to the November 14, 2005 Scheduling Conference.

Dated: November 4, 2005
Boston, Massachusetts

/s/ John Peter Zavez
John Peter Zavez (BBO #555721)
Noah Rosmarin (BBO #630632)
ADKINS KELSTON & ZAVEZ, P.C.
90 Canal Street
Boston, Massachusetts 02114
(617) 367-1040

Counsel for Plaintiffs
Nancy Brooks and Joan Silverman

SO ORDERED:

Dated: _____

Respectfully submitted,

/s/ James R. Carroll
James R. Carroll (BBO #554426)
Michael S. Hines (BBO #653943)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800

Counsel for Defendant
AIG SunAmerica Life Assurance Company

William G. Young
United States District Chief Judge